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PATENT
ORCL.P0073

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Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 30, 2005.


Florin Corie

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application for:

Mohammad FAISAL

Serial No.: 09/742,809

Filing Date: 12/19/2000

For: AUTOMATED EXTENSION FOR
GENERATION OF CROSS REFERENCES
IN A KNOWLEDGE BASE

Examiner: Neveen ABEL JALIL

Group Art Unit: 7301

TRANSMITTAL LETTER FOR REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed, please find:

1. Return receipt post card (1 card);
2. Reply Brief Transmittal Letter (2 pages);
3. Reply Brief (6 Pages) in triplicate;

The fee has been calculated as follows:

FOR	NUMBER	NUMBER OVER ALLOTMENT	RATE	CALCULATIONS
ADDED CLAIMS	0	0	x \$18.00	\$0
ADDED INDEPENDENT CLAIMS	0	0	x \$86.00	\$0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$0
<u>0</u> MONTHS PETITION FOR EXTENSION FOR REPLY :				\$0.00
Total from Above				\$0.00
Reduction by 1/2 for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28). The Applicant hereby states that it qualifies as a small entity under 37 CFR 1.27				-\$0.00
				TOTAL = 0.00

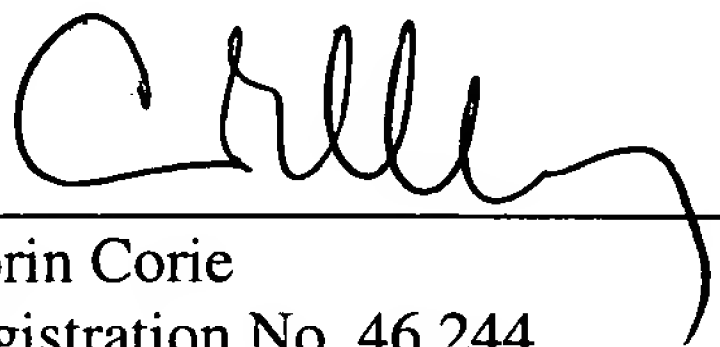
The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to **Deposit Account No. 50-1128** referencing Docket No. ORCL.P0073.

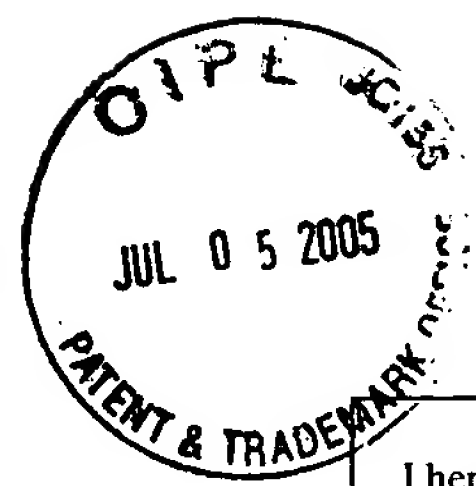
Dated: June 30, 2005

Respectfully submitted,

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REPLY BRIEF

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Alexandria, VA 22313-1450

Sirs:

This is a Reply Brief filed under 37 CFR 1.193(b)(1) in response to the May 20, 2005

Examiner's Answer (Paper No. 14).

PROCEDURAL HISTORY

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Appellant finds it helpful to outline the procedural history of this application.

1. On March 21, 2003, the examiner entered a Final Rejection of claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by Wical (US Patent No. 5,953,718) (Wical '718) (Paper No. 6) (the second Office Action).

2. On June 6, 2003, Appellant filed a Response to the March 21, 2003 Final Rejection. Additionally, Appellant filed a Notice of Appeal with the Response.

3. On June 26, 2003, the examiner mailed an Advisory Action (Paper No. 9) that maintained the rejections in March 21, 2003 Final Rejection.

4. On September 9, 2003, Appellant filed an Appeal Brief.

5. On December 19, 2003, the examiner reopened prosecution in view of the arguments in Appellant's September 9, 2003 Appeal Brief to enter a new ground of rejection through a Non-Final Rejection (Paper No. 12) (the third Office Action). In Paper No. 12, the examiner rejected claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by Wical (US Patent No. 5,930,788) (Wical '788). The examiner failed to repeat or sufficiently refer to the rejections of Paper No. 6 (the second Office Action) in this Paper No. 12 (the third Office Action).

6. On April 21, 2004, Appellant exercised its option under 37 CFR 1.193(b)(2)(ii) to reinstate the appeal and filed a Supplemental Appeal Brief (Paper No. 13) in response to the December 19, 2003 Non-Final Rejection.

7. On July 26, 2004, the examiner mailed an Examiner's Answer (Paper No. 14). The examiner failed to repeat or sufficiently refer to the rejections of the third Office Action (Paper No. 12) in Paper No. 14 (the Examiner's Answer). Moreover, the Examiner's Answer attempted to enter a new ground of rejection as well as to reassert all the rejections that Appellant previously overcame during prosecution.

8. On August 24, 2004, Appellant filed a Reply Brief and a Petition to prohibit entry of the grounds of rejection in the Examiner's Answer.

9. On April 28, 2005, The Board of Patent Appeals and Interferences issued an Order returning the undocketed appeal to the examiner for clarification of the prior art reference
5 relied upon by the examiner.

10. On May 13, 2005, a Decision on the Petition filed on August 24, 2004 was mailed to the Appellant.

11. On May 20, 2005, the examiner mailed a new Examiner's Answer (Paper No. 14) (pages referred to as "NEA__").

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REPLY ARGUMENTS

I. CLAIMS 1-15 ARE NOT ANTICIPATED BY WICAL '788

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A. Wical '788 Does Not Disclose A Method For Generating Cross References Between Category Pairs

Appellant respectfully submits that Wical '788 fails to teach or suggest a method for generating cross references among categories in a knowledge base, as claimed in claim 1. In fact, Wical '788 does not even relate to generation of category cross reference pairs.

20

The examiner maintains that the disambiguation process disclosed in Wical '788 is part of the entire knowledge system, and, therefore, the generation of cross reference categories in the database is also part of the system. *See* NEA, pages 12-13. However, the examiner is hard pressed to find any mention in Wical '788 of a method for generating cross references among categories in a knowledge base, as claimed in claim 1. Instead, the examiner argues that if
25 category cross reference pairs exist and reside within the database, they must have been somehow

created or generated. *See* NEA, page 13. In contrast, the claims of the present application set forth elements for generating cross references among categories of a knowledge base.

It is well established that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the [...] claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). “The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, *i.e.*, identity of terminology is not required.” *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). *MPEP 2131*.

Therefore, since Wical ‘788 fails to teach or suggest each and every element of the method for generating cross references among categories of a knowledge base, as claimed in claim 1, Appellant respectfully contends that Wical ‘788 fails to anticipate the invention as claimed in claims 1-15.

B. Wical ‘788 Does Not Disclose Identifying Relative Theme Pair Strengths For A Pair Of Themes Extracted From A Plurality Of Documents.

Claim 1 recites a method for generating cross-references among categories in a knowledge base, the method comprising, *inter alia*:

“generating a theme strength for said themes, said theme strength reflects the amount of subject matter contained in a document for a corresponding theme relative to other themes in said document;

generating a plurality of scores, from said theme strengths, to identify a relative theme pair strength for at least one pair of said themes extracted from said documents.”

(Emphasis added).

Looking at the cited reference, Wical '788 discloses that the disambiguation process compares the theme weights of two theme terms to select a category. Thus, the theme weight only ascribes a weight to a single theme term. *See* Wical '788, Col. 9, lines 14 – 48. Wical '788 fails to teach or suggest identifying relative theme pair strengths for at least one pair of themes based on scores generated for the at least one pair of themes, as claimed in claim 1.

The examiner continues to assert that Wical '788 discloses assigning each theme term, including words and phrases, a relative strength, then linking each theme term to another by categories in the knowledge base. *See* NEA, pages 13-14. Then, the examiner states that the theme term indicating more than one theme can include a theme pair or a theme concept or linked theme, but does not indicate any support for such an assertion. *See* NEA, page 14. Nowhere in the specification is it taught or suggested generation of a score for each pair of themes extracted from corresponding documents, as claimed in claim 1.

The examiner also asserts that this element is taught in the language of claim 12. Claim 12 sets forth a process, that includes the elements of generating a total theme strength for a category by summing all theme strengths for all themes classified in the category and generating a total theme strength for a parent category of said category by summing all theme strengths for all themes classified under the parent category. *See* Wical '788, at col. 20, claim 12. Claim 12 does not teach generating a score that measures the relative strength between two themes (*e.g.*, relative theme pair strength), but teaches summing the themes strengths for all themes classified in a category (*i.e.*, category and parent category).

In contrast, the claims of the present application recite generating a plurality of scores, from said theme strengths, to identify a relative theme pair strength for at least one pair of said

themes extracted from said documents. In light of the above arguments, Appellant respectfully contends that Wical '788 fails to anticipate the invention as claimed in claims 1-15.

5 **C. The Other Subject Claims Contain Similar Elements To The Elements
 Recited In Claim 1**

10 Claims 2-5 depend directly or indirectly from independent claim 1, and remaining independent claims 6 and 11, and their respective dependent claims 7-10 and 12-15, are similar in scope to independent claim 1 and its dependent claims. Appellant contends, therefore, that the same arguments presented above for claim 1 apply to the remaining claims at issue.

II. CONCLUSION

In view of the above, Appellant asserts that all pending claims, claims 1-15, are in condition for allowance and respectfully requests that the Board grant the same.

Dated: June 30, 2005

Respectfully submitted,

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